

DOCKET NO: 250980US8DIV



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
YOSHIHIRO EMORI, ET AL. : EXAMINER: DIACOU, ARI M.
SERIAL NO: 10/824,402 :
FILED: APRIL 15, 2004 : GROUP ART UNIT: 3663
FOR: RAMAN AMPLIFIER, OPTICAL :
REPEATER, AND RAMAN
AMPLIFICATION METHOD

DECLARATION OF NON-RECEIPT OF THE
MISCELLANEOUS OFFICE COMMUNICATION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Responsive to the Notice of Abandonment dated November 6, 2007, it is hereby declared that the firm Oblon, Spivak, McClelland, Maier and Neustadt, P.C. did not receive the Miscellaneous Office Communication issued by the U.S. Patent and Trademark Office (USPTO) with the mail date of June 7, 2007, by electronic mail or U.S. Postal Mail.

On November 7, 2007, we received the Notice of Abandonment dated November 6, 2007, indicating that the above-identified application is currently abandoned due to failure to respond to a Miscellaneous Office Communication dated June 7, 2007. After receiving the Notice of Abandonment, our personnel checked our firm's PTO Mail Log (Exhibit A), PAIR's Image File Wrapper and Transaction History sections (Exhibit B) and determined that we never received the Miscellaneous Office Communication by U.S. Postal Mail, electronically or in any other form.

All mail received from the USPTO is logged in the firm's PTO Mail Log by serial number or patent number, along with a description of the mail received on a daily basis. Mail from the USPTO is generally received by our firm within two to three days of mailing. Our personnel searched the firm's PTO Mail Log and found that it contained no record of the firm having received a Miscellaneous Office Communication dated November 6, 2007.

Our personnel checked PAIR's Image File Wrapper and Transaction History sections to obtain a copy of the Miscellaneous Office Communication and to determine if the communication was sent to the firm by the USPTO via electronic mail. We discovered that the Image File Wrapper did not list the Miscellaneous Office Communication dated June 6, 2007, and therefore we were unable to view and download a copy of the communication for our records. As of today, we have not seen this "Miscellaneous Office Communication". Although PAIR's Transaction History section for the above-identified application clearly lists the Miscellaneous Office Communication dated June 6, 2007, we noticed that there was no documentation indicating that the USPTO sent this communication to the firm via electronic mail.

As evidence of the searches described above, attached herewith are copies of: Exhibit A) a copy of the search result from the firm's daily PTO Mail Log of all mail received from the USPTO for the above-identified application; and Exhibit B) a copy of PAIR's Image File Wrapper and Transaction History sections for the above-identified application.

In light of the foregoing, the undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or

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Reply to the Notice of Abandonment of November 6, 2007

imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

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(OSMMN 08/07)

I:\ATTY\BDL\258\250980US-8DIV\PETITION TO WD
FROM ABANDONMENT 12-17-07.DOC

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

EXHIBIT A:

- Copy of the Firm's PTO Mail Log for U.S. Application
Serial No. 10/824,402

PTO Mail Log Report

Mail Type	C/D/E/R/I/E/P	Application #	Patent #/Reg #	Case Id	Base Date	Date Rcvd
ADV SNC		10/824,402		250980US		04-21-2004
OFR		10/824,402		250980US	06-23-2004	06-25-2004
Patent Notice of Publication		10/824,402		250980US		10-13-2004
RESTRICTION		10/824,402		250980US	12-22-2005	12-23-2005
RESTRICTION		10/824,402		250980US	02-21-2006	02-22-2006
REJECTION		10/824,402		250980US	04-11-2006	04-12-2006
ALLOWANCE/ALLOWABILITY		10/824,402		250980US	12-20-2006	12-22-2006
S/ALLOWABILITY		10/824,402		250980US	01-05-2007	01-08-2007
S/ALLOWABILITY	P	10/824,402		250980US	03-23-2007	03-28-2007
N/File Corr. Appln Papers	R	10/824,402		250980US	03-29-2007	04-04-2007
N/ABAND	P	10/824,402		250980US	11-06-2007	11-07-2007